

**REMARKS**

Claims 6 through 10 are currently pending in the application.

This amendment is in response to the final Office Action of January 30, 2007.

**35 U.S.C. § 112 Claim Rejections**

Claims 6 through 10 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicants have amended the claimed invention to set forth the elements of the invention set forth in specification paragraph numbered [0027] and following. Applicants assert that presently amended independent claim 6 clearly complies with the provisions of 35 U.S.C. § 112, first paragraph.

**35 U.S.C. § 103(a) Obviousness Rejections**

Obviousness Rejection Based on Akram et al. (U.S. Patent 5,866,460) in view of Pan (U.S. Patent 5,739,066)

Claims 6 through 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Akram et al. (U.S. Patent 5,866,460) in view of Pan (U.S. Patent 5,739,066). Applicants respectfully traverse this rejection, as hereinafter set forth.

Applicants assert that to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the cited prior art reference must teach or suggest all of the claim limitations. Furthermore, the suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure.

Applicants assert that any combination of the Akram et al. reference and the Pan reference fails to establish a *prima facie* case of obviousness under 35 U.S.C. § 103 regarding the claimed invention of independent claim 6 because any combination of the cited prior art fails to teach or suggest all the claim limitations. Applicants assert that any combination of the Akram et al. reference and the Lin et al. reference fails to teach or suggest the claim limitations of independent claim 6 calling for “forming a gate structure overlying the dielectric layer, the dielectric layer including a gate oxide layer, a polysilicon layer formed on the gate oxide layer and a metal silicide layer formed on the polysilicon layer and a dielectric cap formed on the metal silicide layer, a first sidewall and a second sidewall defining a first contact region, a second contact region and a channel region therebetween”, and “forming first, second and third subregions within the contact regions, each subregion having a dopant concentration that is different from that of the other two subregions, wherein forming said subregions comprises: introducing a first dopant into the substrate to form a first subregion, the first subregion being generally aligned with the sidewalls of the gate structure; forming a first single thin layer sidewall spacer of dielectric material overlying the sidewalls, the first single thin layer sidewall spacer formed by depositing a thin conformal layer of dielectric material over the substrate and etching to a predetermined thickness over the sidewalls; providing an annealing/oxidation step at an elevated temperature; forming a second single layer sidewall spacer overlying the first single thin layer spacer, the second single layer sidewall spacer having a thickness greater than the first single thin layer sidewall spacer; introducing a second dopant into the substrate to form the second subregion, the second subregion being generally aligned with the second single layer sidewall spacer; reducing the thickness of the second single layer sidewall spacer to form a third sidewall spacer having a thickness intermediate the first and second sidewall spacers; maintaining the third sidewall spacer; and introducing a third dopant into the substrate to form the third subregion, the third subregion being generally aligned with the third sidewall”. Applicants assert that any combination of the cited prior art Akram reference and the Pan reference merely teaches or suggests the prior art illustrated in drawing Fig. 1 of the Applicants’ disclosure modified using hindsight from the teachings of the Pan reference as the cited prior art contains no suggestion therein for any modification of the Akram et al. reference. Additionally, Applicants assert that

any combination of the Akram et al. reference and the Pan reference does not maintain the any spacer on any sidewall of the gate.

Accordingly, Applicants assert that independent claim 6 is allowable as well as dependent claims 7 through 10 therefrom.

Applicant requests entry of this amendment for the following reasons:

The amendment is timely filed.

The amendment places the application in condition for allowance.

The amendment does not require any further search or consideration.

Applicants submit that claims 6 through 10 are clearly allowable over the cited prior art.

Applicants request the entry of this amendment, the allowance of claims 6 through 10, and the case passed for issue.

Respectfully submitted,



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